

der the new contracts because the State cannot be forced to perform its contracts and cannot be sued without its consent.

It is perhaps needless to add that we have confined our attention and opinion to the legal questions involved, to the exclusion of all other questions or considerations.

Yours very truly,  
L. C. SUTTON,

Assistant Attorney General.

The above and foregoing opinion is approved.

JNO. C. WALL,  
Acting Attorney General.

## TWENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,

Thursday, February 8, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Dudley. Rogers.

Prayer by chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Strong.

See Appendix for petitions and committee reports.

## Additions to Standing Committees.

Senators Strong and Cousins were added to the Committee on Stock and Stock Raising, on motion of Senator Bowers.

## S. B. Nos. 269 and 270—Extra Copies Ordered Printed.

On motion of Senator Murphy, it was ordered that 200 extra copies of Senate bills Nos. 269 and 270 be printed.

## S. B. No. 266—Motion to Adopt Committee Report.

Senator Darwin moved that the report of the Committee on Privileges and Elections this morning that S. B. No. 266 be not passed, be adopted.

The Chair ruled that the motion was not in order, because under an unfavorable committee report, the bill could not be considered by the Senate.

## Bills and Resolutions.

By Senator Stuart:

S. B. No. 286, A bill to be entitled "An Act creating a Bureau of Plumbing, providing for supervision and enforcement of certain articles as amended; providing for appointment of State Plumbing Inspector, fixing salary and locating office, defining duties and experience, prescribing bond, amount and method of filing, providing record of inspection and investigations shall be kept and annual report made; fixing power of State Health Officer to amend rules and regulations, to revoke license for violations, providing that notice be given within certain time and opportunity afforded to produce testimony providing for appointment of persons for certain purpose; providing that State Health Officer have certain powers, appeal from his decision may be had, after certain period may apply for new license; providing who shall be custodian for papers, that he shall keep on file in his office certain information, and prepare questions and charts for examinations and furnish to local boards of examiners, subject to approval of State Health Officer, providing that certificates be signed and countersigned by whom, license to be recognized by whom and where for certain period, to be renewed when, not transferable, providing penalty for use of license by any other than the one to whom issued license may be granted without examination to whom and by whom upon payment

of fee, to be posted where and exhibited when and to whom; providing for collection of fees, to be transmitted to State Board of Health, and paid by it into the general fund of state treasury; providing that all such monies are appropriated and set aside for what purpose; providing that if any section of the Act be held unconstitutional it shall not effect any other part or parts of the Act; providing penalty for failure to remit monies collected, repealing all acts or parts of acts in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Davis:

S. B. No. 287, A bill to be entitled "An Act to amend Article 6272 of the Revised Statutes of Texas, defining indigency and in particular describing who and under what conditions shall be entitled to the rights and privileges of a Confederate pension and who shall be entitled to become an inmate of the Confederate Home or other public institution at the expense of the State."

Read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 288, A bill to be entitled "An Act amending Article 303 of the Penal Code of the State of Texas so as to permit the sale of gasoline and lubricants on Sunday, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Thomas, by request:

S. B. No. 289, A bill to be entitled "An Act providing additional means for the collection of taxes on personal property and poll taxes which have been reported on the insolvent list as uncollected following the 31st of March of each year by the county tax collectors of the State of Texas; and also for the collection of taxes on personal property having escaped taxation; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 290, A bill to be entitled "An Act relative to injunctions, restraining orders and other writs; restricting the issuance of temporary and interlocutory injunctions, restraining orders or writs in connection with

certifying nominees and candidates and placing their names on ballots in general, special and primary elections and nominating conventions or affecting such elections or conventions, regulating the issuance of permanent and perpetual injunctions relative, incident or preliminary to general, primary and special elections and nominating conventions and relative to certifying or placing names of candidate or nominees on ballots and restricting and regulating the issuance of same for alleged unlawful acts, regulating contempt proceedings as against the Attorney General, county and district attorneys for expressing opinions on temporary, permanent or perpetual injunctions, restraining orders or other restraining orders or other restraining writs; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Pollard:

S. B. No. 291, A bill to be entitled "An Act to amend Article 7381 of the Revised Civil Statutes, 1911, providing for the payment of a gross receipts tax by all persons, companies, corporations and associations of persons engaged in publishing, printing or selling text books in the schools of this State, or law books, or owning, controlling or managing any such business as text books or law book purchasers so as to exempt any corporation organized by the students and faculty of any State supported institution of learning without capital stock and which pays no dividends and is organized for the purpose of supplying books and other school supplies to the students of such institution and whose assets on the dissolution of the corporation passes to the governing board of the institution as a trust fund to be used for the benefit of the institution, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bledsoe:

S. B. No. 292, A bill to be entitled "An Act creating the Ninety-second Judicial District of Texas, and fixing its boundaries, and providing for two district courts in said district; one in Stephens county and the other in Young county; defining and declaring the jurisdiction of said courts, respectively and prescribing the duration of said courts; providing for a

district judge of said district and that in Young county the district attorney of the Thirtieth Judicial District shall act as district attorney of said new district; providing for a clerk of each such new court, and for compensation of such district attorney and of such clerks; providing for return to such new courts of process writs and bonds, and for transfer and retransfer of causes and actions, motions and matters to and from the dockets of such new courts, respectively; validating certain outstanding process and writs; detaching and removing Stephens county from the Forty-second Judicial District of Texas, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

#### Simple Resolution No. 54.

By Senator Doyle:

Whereas, At the Special Session of the Thirty-seventh Legislature, Resolution No. 47, was adopted by the Senate requesting the Governor to appoint a committee of three members of the John B. Hood Camp, U. C. V. to ascertain what rules have been prepared for the government of the Confederate Home, and to investigate as to the treatment of its inmates; and,

Whereas, Said committee was appointed by the Governor, did make investigation as required and filed its report, with the Governor with the evidence adduced; and,

Whereas, The Governor was to submit the findings of the committee to the next Legislature, and the Governor has submitted his message with the report and evidence of the committee, which evidence is now in possession of the Secretary of the Senate. Therefore, be it

Resolved, That the President of the Senate appoint a committee of three Senators to take the message of the Governor, the report of the committee and the evidence now in possession of said Secretary, and after due consideration of the same, shall report back to the Senate such suggestions, resolutions or bills as the committee may conclude to be right and proper in the premises.

The resolution was read and adopted.

#### S. B. No. 52 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

S. B. No. 52, A bill to be entitled "An Act to regulate the business of banking in this State when conducted by concerns operating under charter obtained in Texas prior to the adoption of the Constitution in 1876, and placing them under the provisions of Chapters I to VI, inclusive, Title XIV, of Vernon's Sayles' Revised Statutes of Texas; declaring that from and after the passage of this Act it shall be unlawful thereafter for any person, association of persons, partnership or trustee, or trustees acting under any common law declaration of trust to organize or establish or begin the operation of any private banking institutions or private banking business within this State, preserving the rights of those who at the time this Act becomes effective, and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to advertise, use or put forth any sign as a bank, trust company, bank and trust company or savings bank, or to in any way solicit or receive business as such, or to use their name or part of their name on any sign, advertising or letter head, or envelope, the word bank, banker, banking, banking company, trust, trust company, bank and trust company, savings bank, savings or any other term which may or might be confused with the name of a corporation organized under the general provisions of the banking laws of this State; making it unlawful to use any other than the name of the person, or one or more of the persons, or the member or one or more members of said association or persons, or partnerships, or the members of one or more of the members of any institution operating under a common law declaration of trust in the management, conduct or operation of same, providing, however, that the provisions of this Act shall not apply to any person, association of persons, partnerships, trustee or trustees acting under any common law declaration of trust who are, at the time this Act becomes effective and have been for five years next preceding said date

actively engaged in the banking business within this State; making it unlawful to use or employ any part of the funds of the depositors in any such institution in any speculative adventure or enterprise owned or promoted by said bank or institution, or the person or persons owning same, or officers or managers thereof; requiring the filing with the Commissioner of Insurance and Banking annually an affidavit showing solvency of such bank or institution and the filing for record with the county clerk of the county in which the principal business of said institution is done of a statement in writing under oath, giving the names of each and all parties or persons interested in said institution; making it unlawful to receive or assent to the reception of any deposits of money or other valuable thing, and making the failure of said bank or institution prima facie evidence of the insolvency of same at the time of the receipt of such deposit or deposits, making it unlawful to publish or advertise in any newspaper that said bank or institution owns, possesses or has a financial responsibility in excess of the real and true financial responsibility of such person, association of persons, partnership or institution and defining the terms 'financial responsibility;' making it unlawful for a newspaper to publish any such statement as herein used; fixing penalties; declaring this Act to be in addition to and supplementary of all the present banking laws of this State, and declaring an emergency."

The bill was read the third time and passed by the following vote:

## Yeas—29.

Bailey.	Turner.
Baugh.	Watts.
Bledsoe.	Wirtz.
Bowers.	McMillin.
Burkett.	Murphy.
Clark.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Fairchild.	Stuart.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
Thomas.	

## Absent—Excused.

Dudley.	Rogers.
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**H. B. No. 146 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 146, A bill to be entitled "An Act to amend Article 6419, Sections 1, 2, 3, 4, and 5, Chapter 3, Title 107, General Laws of Texas, Acts of the Thirty-sixth Legislature, Fourth Called Session, 1920, substituting said Sections and adding new sections; creating pilot boards in navigation districts containing cities of 100,000 population or more, and owning, operating or controlling docks, wharves or other facilities for utilizing navigable streams therein; giving exclusive jurisdiction to such navigation districts over pilotage of vessels between the Gulf of Mexico and their respective ports; power of navigation and canal commissions constituting such pilot boards to appoint branch pilots, suspend or dismiss branch pilots or deputies, and to adopt rules and regulations for such; providing for bonds of branch pilots and issuance of commissions to them by the Governor; providing duties, rights and privileges of branch pilots, and the responsibilities of vessels and consignees to them; disqualifying persons for membership on pilot boards who are interested in any business affected by such position; repealing all laws in conflict with this Act to the extent of such conflict, and declaring an emergency."

The bill was read third time and passed by the following vote:

## Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

## Absent—Excused.

Dudley.	Rogers.
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**H. B. No. 173 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 173, A bill to be entitled "An Act amending Section 1, Chapter 27, page 38, Acts of the Regular Session, Thirty-second Legislature of the State of Texas of 1911, and being Article 7059a of Title 120 of the Revised Statutes of Texas, relating to traveling and other expenses of judges of the district courts and district attorneys when in the actual discharge of their official duties in any county other than the county of their residence; providing for the payment of such expenses by the State upon sworn itemized accounts of such officers; providing for recording such accounts in the minutes of the district court of the county in which such officer resides, and declaring an emergency."

The bill was read third time and passed.

**H. B. No. 58 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 58, A bill to be entitled "An Act creating the Krum Independent School District of Denton county, by adding to and making a part of what is known as the Krum Independent School District of Denton certain lands and territories adjoining thereto and situated in Denton county for school purposes only; providing for a board of trustees, giving said board of trustees of said independent district power and jurisdiction over said land and territory and the inhabitants thereof; placing said Krum Independent School District under the general Statutes, except as herein expressly provided otherwise, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

**H. B. No. 251 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 251, A bill to be entitled "An Act creating and incorporating the Meadow Independent School District, in Terry county, Texas; defining the boundaries thereof; providing for a

board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes and a board of equalization; providing that said Meadow Independent School District shall assume and discharge any bonds and indebtedness that may be valid and binding obligations of the common school district, including all or a part of the territory embraced within the boundaries of the independent district as created by this Act; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision of this Act, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

**H. B. No. 255 on Second Reading.**

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 255, A bill to be entitled "An Act creating and incorporating the Sligo Independent School District, in Yoakum County, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes and a board of equalization; providing that said Sligo Independent School District shall assume and discharge any bonds and indebtedness that may be valid and binding obligations of the common school district, including

all or part of the territory embraced within the boundaries of the independent district as created by this Act; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act, and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### H. B. No. 255 on Third Reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days in each house was suspended, and H. B. No. 255 was put upon its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Dudley. Rogers.

The Chair then laid H. B. No. 255 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Dudley. Rogers.

#### H. B. No. 306 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading.

H. B. No. 306, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the Eagle Pass Independent School District in the county of Maverick and State of Texas, and other lands and territory adjacent thereto in Maverick County, to incorporate as an independent district for free school purposes only, to be hereafter known as the Eagle Pass Independent School District, with all the powers, rights, privileges and duties of independent school districts formed by incorporation of territory for free school purposes only; and to provide for an election on the question of divesting the old Eagle Pass Independent School District of control of its public school and title to school properties, and vesting the same in the new Eagle Pass Independent School District and its board of trustees; providing for the control and management of said independent school district; providing that all funds held for public school purposes and to be used in the territory included in the new district as herein provided may be created; provided that any outstanding bonds or indebtedness of the old district may upon an election being held in the new district, be paid by a tax duly levied in the new district; provided other incidental provisions, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

### H. B. No. 306 on Third Reading.

On motion of Senator Wood the constitutional rule requiring bills to be read on three several days in each House, was suspended, and H. B. No. 306 was put on its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Dudley. Rogers.

The Chair then laid H. B. No. 306 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Dudley. Rogers.

### H. B. No. 307 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 307, A bill to be entitled "An Act creating the Brackett Independent School District in Kinney County, Texas; defining its boundaries, including the present Brackett Independent School District; providing for a board of trustees in said district and conferring upon its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the board of trustees thereof; providing that the present board of trustees shall continue in office until the expiration of their respective terms and validating their elections; providing that outstanding bonds shall remain chargeable against the territory which voted same; providing for an election for the purpose of assuming said bonded indebtedness by the district as herein created; providing for the appointment of an assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

### H. B. No. 307 on Third Reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 307 was put upon its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

**Absent—Excused.****Dudley.****Rogers.**

The Chair then laid H. B. No. 307 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—29.**

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

**Absent—Excused.****Dudley.****Rogers.****H. B. No. 380 on Second Reading.**

The Chair laid before the Senate, as regular order, on its second reading.

H. B. No. 380, A bill to be entitled "An Act creating and establishing a common school district to be known as Common County Line School District No. 49, composed of parts of Fannin and Hunt Counties; defining the powers of such district, prescribing the powers of the county board of school trustees in relation thereto, and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

**H. C. R. No. 13.**

The Chair laid before the Senate for consideration at this time.

H. C. R. No. 13, as follows:

Whereas, President Obregon has the confidence, respect and support of the people of Mexico to a degree almost unprecedented in the history of that country, with the result that today Mexico is enjoying peace and stability; and,

Whereas, Through the efforts of President Obregon a new era of cordiality and friendly relations has been initiated between the peoples on either side of the Rio Grande, who for so long misunderstood and distrusted each other; and

Whereas, The friendly attitude toward American citizens and American interests so uniformly manifested by President Obregon since becoming the President of the Republic of Mexico is of that sincere nature and of that evident good faith which makes the best feeling between nations, strengthened by the promise of President Obregon in frequent utterances that Mexico will meet every just obligation for which Mexico as a nation is responsible; now, therefore be it

Resolved by the House of Representatives, the Senate concurring, that the Legislature of the State of Texas declares itself pleased with the administration of President Obregon and congratulates the people of Mexico upon the new era of peace, prosperity and amicable relationship which have been established; and, be it further

Resolved, That it is the sense of the Legislature of Texas that the best interests of our nation and our State will be served and the restoration of order in world affairs will be hastened by the immediate official recognition of Mexico, as administered by President Obregon; and, be it further

Resolved, That the Clerk of the House be and is hereby directed to forward copies of this resolution to the President of the United States; to the President of the Senate of the United States; to the Speaker of the House of Representatives, and to each of the Texas Senators and Representatives in Congress; and, be it further

Resolved, That the Clerk of the House be and is hereby directed to send a copy of this resolution to His Excellency, the Honorable Alvaro Obregon, President of the Republic of Mexico.

The resolution was read and adopted.



**H. B. No. 168—Special Order.**

The Chair laid before the Senate, on its passage to third reading, and as special order,

H. B. No. 168, relating to free text books, the bill having been read second time on Feb. 1, and on Feb. 6, having been made a special order for this hour, and a motion to reconsider the vote by which the bill was passed to third reading, pending.

Question: Shall the vote by which S. B. No. 168 was passed to third reading be reconsidered?

The motion to reconsider prevailed.

Question then recurred on the passage of the bill to third reading.

Senator Witt offered the following amendment to the bill:

Amend H. B. 168, page 2, of the printed bill, by striking out all of line 13, beginning with the word "provided," and all of lines 14 to 20 inclusive and substituting therefor the following:

Providing that all contracts and awards made by the State Text Book Commission during the year 1922 be and the same are hereby annulled, cancelled and abrogated.

Senator Darwin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

**Yeas—14.**

Bailey.	McMillin.
Darwin.	Parr.
Davis.	Rice.
Fairchild.	Strong.
Floyd.	Turner.
Holbrook.	Wirtz.
Lewis.	Woods.

**Nays—12.**

Baugh.	Pollard.
Bledsoe.	Ridgeway.
Bowers.	Stuart.
Clark.	Thomas.
Doyle.	Watts.
Murphy.	Witt.

**Absent.**

Burkett.

(Pairs Recorded.)

Senator Wood (present), who would vote nay; with Senator Dudley (absent), who would vote yea.

Senator Cousins (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

Senator Darwin offered the following amendment to the bill:

Amend H. B. 168, page 2, Senate printed bill by adding at the end of line 20 said page 2, the following:

But in case the Text Book Commission is unable to continue old contracts at present or lower prices said Text Book Commission may obtain the books covered by expiring contracts as is required by law.

**Recess.**

Senator Burkett moved that the Senate recess to 2 p. m. today.

On motion of Senator Bailey, the Senate at 12 o'clock noon, recessed until 2:30 p. m. today.

**Afternoon Session.**

The Senate met at 2 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

**S. B. No. 60—Vote Reconsidered.**

Senator Murphy moved to reconsider the vote by which the Senate on yesterday refused to pass S. B. No. 60, notwithstanding the objections of the Governor, and to spread the motion to reconsider on the Journal.

Yeas and nays were demanded, and the motion prevailed by the following vote:

**Yeas—16.**

Baugh.	Pollard.
Bledsoe.	Rice.
Burkett.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
McMillin.	Watts.
Murphy.	Witt.
Parr.	Wood.

**Nays—11.**

Bailey.	Holbrook.
Bowers.	Thomas.
Clark.	Turner.
Cousins.	Wirtz.
Doyle.	Woods.
Fairchild.	

Present—Not Voting.

Floyd.

Absent.

Lewis.

Absent—Excused.

Dudley.

Rogers.

### S. B. No. 227 Re-referred.

Senator Burkett called up the report of the Committee on Civil Jurisprudence in which the committee recommended that S. B. No. 227 be re-referred to the Committee on Roads, Bridges and Ferries.

On motion of Senator Burkett, the report of the committee was adopted.

### H. B. No. 168 on Passage to Third Reading.

(Special Order).

The Senate resumed consideration of H. B. No. 168, the same being a special order, with amendment by Senator Darwin pending.

By unanimous consent, Senator Darwin withdrew the amendment.

Senator Wood offered the following amendment to the bill:

Amend House Bill No. 168, page 2, by striking out all of line 13, beginning with the word "Provided" and all of lines 14 to 20, inclusive, and insert in lieu thereof the following:

"Provided that all books in use on December 1st, 1922, under contracts in existence on said date shall be continued in use as text books to the exclusion of all others in the public free school of this State until August 31st, 1925, or until the Textbook Commission of the State of Texas, under existing laws, shall make valid and legal contracts otherwise; provided, however, that such texts continued in use under and by virtue of this Act shall be provided at a price not to exceed the contract prices prevailing on December 1st, 1922, and if the Textbook Commission cannot secure said books at such prevailing prices, then such Commission is authorized to secure said books or others, as substitutes therefor, as provided by law."

WOOD.

WITT.

BOWERS.

The amendment was adopted.

Senator Witt offered the following amendment to the bill:

Amend H. B. No. 168, by adding at the end of Section 1, the following:

"Provided, however, that should it hereafter be found, ascertained or determined that any or all of the contracts made or awarded by the Texas State Textbook Commission during the year 1922, were fairly and legally made and entered into, and a legal liability thereunder incurred by the State of Texas, then the extension herein provided for, shall immediately and automatically terminate, and the State of Texas shall in no way be bound or liable by the provisions of this Act extending such contract or contracts; and for the purpose of finding, ascertaining and determining whether or not said contracts so made by the Texas State Textbook Commission in 1922 were fairly and legally made, and a legal liability thereunder incurred by the State of Texas, the Attorney General of the State of Texas is authorized and directed to investigate and examine into the letting, making, and adoption of each and all contracts, and after such investigation and examination, if he shall find any fact or facts that, in his judgment, would warrant or justify the bringing of any suit or suits for the cancellation and termination of such contracts, or either of them, he is hereby authorized, empowered, and directed to bring such suit in the District Court of Travis county, Texas, and in the event the Attorney General of the State of Texas shall fail or refuse for a period of sixty days (60 days) from and after the date this Act becomes effective, to bring such suit against any holder of any such contract made and adopted, then and in that event permission and authority is hereby granted and extended and given to each and all of the persons, partnerships or corporations to whom any such contract or contracts were awarded by said Commission to bring suit in the District Court of Travis county, Texas, against the State of Texas and upon said contracts and awards, and to have such construed, and the rights of the parties thereto fully ascertained and determined.

Senator Darwin moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—11.

Burkett.

Darwin.

Fairchild.

Floyd.

Holbrook.

McMillin.

Parr.  
Rice.  
Turner.

Wirtz.  
Wood.

Nays—17.

Bailey.  
Baugh.  
Bledsoe.  
Clark.  
Cousins.  
Davis.  
Doyle.  
Lewis.  
Murphy.

Pollard.  
Ridgeway.  
Strong.  
Stuart.  
Thomas.  
Watts.  
Witt.  
Woods.

Absent—Excused.

Rogers.

(Pair Recorded.)

Senator Bowers (present), who would vote nay; with Senator Dudley (absent), who would vote yea.

Question recurring on the amendment, yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—18.

Bailey.  
Baugh.  
Bledsoe.  
Bowers.  
Clark.  
Cousins.  
Davis.  
Doyle.  
Lewis.

Murphy.  
Pollard.  
Ridgeway.  
Strong.  
Stuart.  
Thomas.  
Watts.  
Witt.  
Woods.

Nays—11.

Burkett.  
Darwin.  
Fairchild.  
Floyd.  
Holbrook.  
McMillin.

Parr.  
Rice.  
Turner.  
Wirtz.  
Wood.

Absent—Excused.

Dudley.

Rogers.

(Senator Burkett in the Chair.)

Senator Bowers moved to postpone further consideration of the bill until after an investigation of the letting of the contracts made by the State Textbook Commission.

On motion of Senator Darwin, the motion to postpone was tabled.

Senator Pollard made the following motion:

I move H. B. No. 168 with amendments be printed in the Journal and be made a special order for February 15, 1923 after the morning call.

POLLARD.

Senator Darwin moved to table the motion.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—14.

Bailey.  
Burkett.  
Darwin.  
Fairchild.  
Floyd.  
Holbrook.  
McMillin.

Murphy.  
Parr.  
Rice.  
Strong.  
Turner.  
Wirtz.  
Wood.

Nays—15.

Baugh.  
Bledsoe.  
Bowers.  
Clark.  
Cousins.  
Davis.  
Doyle.  
Lewis.

Pollard.  
Ridgeway.  
Stuart.  
Thomas.  
Watts.  
Witt.  
Woods.

Absent—Excused.

Dudley.

Rogers.

Motion recurred on the motion to postpone and make a special order on February 15, after the morning call.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—9.

Baugh.  
Clark.  
Cousins.  
Pollard.  
Ridgeway.

Stuart.  
Watts.  
Witt.  
Woods.

Nays—16.

Bailey.  
Bledsoe.  
Burkett.  
Darwin.  
Fairchild.  
Floyd.  
Holbrook.  
Lewis.

McMillin.  
Murphy.  
Parr.  
Rice.  
Strong.  
Turner.  
Wirtz.  
Wood.

(Pairs Recorded.)

Senator Davis (present), who would vote nay; with Senator Doyle (absent), who would vote yea.

Senator Thomas (present), who would vote yea; with Senator Rogers (absent), who would vote nay.

Senator Bowers (present), who would vote yea; with Senator Dudley (absent), who would vote nay.

Question recurred on the passage of the bill to third reading.

Yeas and nays were demanded, and H. B. No. 168 was passed to third reading by the following vote:

Yeas—18.

Bailey.	Murphy.
Burkett.	Parr.
Darwin.	Pollard.
Davis.	Rice.
Fairchild.	Ridgeway.
Floyd.	Strong.
Holbrook.	Turner.
Lewis.	Wirtz.
McMillin.	Wood.

Nays—9.

Baugh.	Thomas.
Bledsoe.	Watts.
Clark.	Witt.
Doyle.	Woods.
Stuart.	

(Pairs Recorded)

Senator Bowers (present), who would vote nay; with Senator Dudley (absent), who would vote yea.

Senator Cousins (present), who would vote nay; with Senator Rogers (absent), who would vote nay.

**H. B. No. 168 on Third Reading.**

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 168 put on its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Nays—2.

Clark.	Watts.
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Absent.

Doyle. Absent—Excused.

Dudley. Rogers.

The bill was read third time.

Yeas and nays were demanded, and the bill was passed by the following vote:

Yeas—19.

Bailey.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Fairchild.	Strong.
Floyd.	Turner.
Holbrook.	Wirtz.
Lewis.	Wood.
McMillin.	

Nays—8.

Baugh.	Thomas.
Bledsoe.	Watts.
Clark.	Witt.
Stuart.	Woods.

Absent.

Doyle.

Absent—Excused.

Dudley.

(Pair Recorded.)

Senator Cousins (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

**Reasons for Vote.**

Having just returned to my desk after several days illness and not possessing sufficient strength to speak, I desire to have published in the Journal my reasons for supporting House Bill No. 168:

I acquit every member of the Text Book Commission voting for the recent change in books of any dishonest purpose whatever, but I do think that a grievous mistake was made, especially in view of the fact of the deplorably depleted condition of the funds for supporting public schools, and the further fact that the sentiment of the people in general and the school authorities in particular is so overwhelmingly against a change at this time.

I voted for the amendment to give the interested book concerns a right to have the matter reviewed by the courts as I believe that every one under the genius of our institutions should have his day in court.

LEWIS.

**S. B. No. 3 on Second Reading.**

On motion of Senator Cousins, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 3, A bill to be entitled "An Act appropriating four million five hundred thousand dollars (\$4,500,000.00) out of the State treasury to aid and promote all the public schools of the State for the scholastic year, beginning September 1, 1922, and ending August 31, 1923, the same being distributed as the Available School Fund is now distributed and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time and on motion of Senator Cousins, was laid on the table subject to call.

**Simple Resolution No. 55.**

By Senator Thomas:

Whereas, Hon. C. W. Taylor, a former member of the Texas Senate, is now in the city, be it resolved that he be invited to address the Senate, and extended the privileges of the floor.

The Chair appointed Senators Thomas, Bailey and Wirtz as a committee to escort Mr. Taylor to the President's stand, where, after being presented by the Chair, he addressed the Senate.

**S. B. No. 229 on Second Reading.**

On motion of Senator McMillin, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 229, A bill to be entitled "An Act to repeal Chapter 1, of Title 44, of the Revised Civil Statutes of the State of Texas, 1911, and all amendments thereto, including Chapter 145, Acts of the Thirty-sixth Legislature, Regular Session, and Chapter 14, of the General Laws of the Thirty-seventh Legislature, Regular Session, and Chapter 3, Acts of the First Called Session of the Thirty-seventh Legislature, providing the manner in which State funds shall be kept and deposited, defining the State Depository Board and its powers, and what banks may become State depositories, and the manner

and means of selecting, and for the qualification of such State Depositories, providing for the distribution of such State funds among such depositories, providing for the extension of time payment of funds on deposit in State depositories during financial or industrial depressions; and to provide the manner in which State funds shall be kept and deposited; to define the State Depository Board and its powers; creating the Texas Rate Making Board and defining its powers; and what banks may become State depositories and the manner and means of selecting, and for the qualification of such State depositories; providing for the distribution of such State funds among such depositories, providing for the extension of time of payment in general financial or industrial depressions; providing that the unconstitutionality of any part shall not affect the remaining parts of the Act; repealing all laws in conflict, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time.

On motion of Senator McMillin, further consideration of the bill was postponed until tomorrow afternoon at 2:30 o'clock and the bill was made a special order for that hour.

**S. B. No. 140 on Second Reading.**

On motion of Senator Rice, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 140, A bill to be entitled "An Act to make an emergency appropriation to put a new roof on, repair, and paint the Administration Building, and to put a new roof on, repair and paint the Household Arts Building of the College of Industrial Arts and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time and passed to engrossment.

**S. B. No. 140 on Third Reading.**

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days in each house was suspended, and S. B. No. 140 was put upon its third reading and final passage by the following vote:

## Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

## Absent—Excused.

Dudley.	Rogers.
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The Chair laid S. B. No. 140 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—29.

Bailey.	Rice.
Baugh.	Ridgeway.
Bledsoe.	Strong.
Bowers.	Stuart.
Burkett.	Lewis.
Clark.	McMillin.
Cousins.	Murphy.
Darwin.	Parr.
Davis.	Pollard.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Thomas.	Woods.
Turner.	

## Absent—Excused.

Dudley.	Rogers.
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**S. B. No. 130 on Third Reading.**

The Chair laid before the Senate, as regular order, on its third reading and final passage,

S. B. No. 130, A bill to be entitled "An Act to amend Sections 3 and 4 of Chapter 8 of the General Laws of the Thirty-fourth Legislature, approved February 12th, 1915, which is entitled 'An Act to reorganize the Thirteenth Judicial District of Texas, and to create the Seventy-seventh Judicial District of Texas; and to fix the time of holding the courts in said districts; and to provide for or-

ganizing grand juries at certain terms in said courts; and to provide for the appointment of a judge of the Seventy-seventh Judicial District; and to continue in office the judge of the Thirteenth Judicial District; the office of district attorney for the Thirteenth Judicial District is hereby abolished and the county attorney of said county shall perform the duties of said district attorney, and district attorney of said district, as district attorney of said Seventy-seventh Judicial District, and the clerks of the district courts in the several counties of said districts; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,' so as to read as follows, and declaring an emergency."

The bill was read third time and passed by the following vote:

## Yeas—23.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Witt.
Floyd.	Wood.
Lewis.	Woods.
McMillin.	

## Present—Not Voting.

Fairchild.	Wirtz.
Holbrook.	

## Absent.

Doyle.	Rice.
Watts.	

## Absent—Excused.

Dudley.	Rogers.
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(Lieutenant Governor Davidson in the Chair.)

**S. B. No. 61 on Third Reading.**

The Chair laid before the Senate, as regular order, on its third reading and final passage,

S. B. No. 61, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene; accepting the provisions of the Act of the United States Congress approved November 23, 1921, entitled 'An Act for the promotion of the Welfare and Hygiene of Maternity and Infancy Purposes,' commonly

known as the Sheppard-Towner Act; providing that work shall be carried on through the State Board of Health through its Bureau of Child Hygiene; and declaring an emergency."

The bill was read third time.

Senator Wood asked that H. B. No. 103 be substituted for S. B. No. 61.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 8, 1923.

Hon T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 52, A bill to be entitled "An Act to regulate the business of banking in this State when conducted by concerns operating under charters obtained in Texas prior to the adoption of the Constitution in 1876, and placing them under the provisions of Chapters 1 to 6, inclusive, Title XIV, of Vernon's Sayles' Revised Statutes of Texas; declaring that from and after the passage of this Act it shall be unlawful thereafter for any person, association of persons, partnership or trustee, or trustees acting under any common law declaration of trust to organize or establish or begin the operation of any private banking institution or private banking business within this state, preserving the rights of those who at the time this Act becomes effective and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to advertise, use or put forth any sign as a bank, trust company, bank and trust company or savings bank, or to in any way solicit or receive business as such, or to use as their name or part of their name on any sign, advertising or letter head or envelope, the word bank, banker, banking, banking company, trust, trust company, bank or trust company, savings bank, savings or any other term which may or might be confused with the name of a corporation organized under the general provisions of the banking laws of this State; making it unlawful to use any other than the name of the person, or one or more of the persons, or the member or one or more members of said association or persons, or partnerships, or the members of one or more of the mem-

bers of any institution operating under a common law declaration of trust in the management, conduct or operation of same, providing, however, that the provisions of this Act shall not apply to any person, association of persons, partnerships, trustee or trustees acting under any common law declaration of trust who are, at the time this Act becomes effective and have been for five years next preceding said date actively engaged in the banking business within this State; making it unlawful to use or employ any part of the funds of the depositors in any such institution in any speculative adventure or enterprise owned or promoted by said bank or institution, or the person or persons owning same, or officers or managers thereof; requiring the filing with the Commissioner of Insurance and Banking annually an affidavit showing solvency of such bank or institution, and the filing for record with the county clerk of the county in which the principal business of said institution is done of a statement in writing under oath, giving the names of each and all parties or persons interested in said institution; making it unlawful to receive or assent to the reception of any deposits of money or other valuable thing, and making the failure of said bank or institution prima facie evidence of the insolvency of same at the time of the receipt of such deposit or deposits, making it unlawful to publish or advertise in any newspaper that said bank or institution owns, possesses or has a financial responsibility in excess of the real and true financial responsibility of such person, association of persons, partnership or institution and defining the terms financial responsibility; making it unlawful for a newspaper to publish any such statement as herein used; fixing penalties; declaring this Act to be in addition to and supplementary of all the present banking laws of this State, and declaring an emergency."

H. C. R. No. 11, Relating to the extension of certain notes by the Board of Prison Commissioners.

S. B. No. 92, A bill to be entitled "An Act to prescribe the time and fix the terms of holding the district courts in the counties comprising the Seventy-ninth Judicial District of Texas; and to conform all writs and process from such courts to such changes and to make all process issued or served before this Act takes

effect, including recognizances and bonds, returnable to the terms of courts in such districts as herein fixed and to validate the summoning of grand and petit jurors therein; to repeal Section 2 of Chapter 48 of the Laws of the Thirty-fourth Legislature, passed and approved March 12, 1915, relating to the time of holding district courts in said district, and repealing Chapter 8 of the Laws of the Thirty-seventh Legislature passed and approved February 2, 1921, relating to the time of holding courts in said district, and repealing Chapter 5 of the General Laws passed by the First Called Session of the Thirty-seventh Legislature, approved August 14, 1921, and repealing all laws in conflict with this Act, and declaring an emergency," with amendments.

The House requests the Senate to return H. B. No. 251 for correction.

H. B. No. 1. A bill to be entitled, "An Act appropriating three million five hundred thousand dollars (\$3,500,000) out of the State treasury to aid and promote all the public schools of this State for the scholastic year beginning September 1, 1922, and ending August 31, 1923, the same to be distributed as the available school fund is now distributed, and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act amending Section 39 of Chapter 42, General Laws of the First Called Session of the Thirty-seventh Legislature, relative to public roads and highways, so as to except and exempt from the provisions of said chapter the county of Marion, and declaring an emergency."

H. B. No. 309, A bill to be entitled "An Act constituting Bexar county the Thirty-seventh, Fifty-fifth, Fifty-seventh, Seventy-third, and Ninety-fourth Judicial Districts; providing for the present judges of the Thirty-seventh, Forty-fifth, Fifty-seventh, and Seventy-third Judicial Districts to continue to hold their offices for the respective terms for which they were elected; the appointment of a suitable person by the Governor as judge of the Ninety-fourth Judicial District to hold until the next general election; prescribing the jurisdiction of said courts and providing for the election of judges thereof, and for the district attorney of the Thirty-seventh Judicial District to be the district attorney of all of said courts;

and providing the terms of said courts, and providing for the empanneling of grand juries in the Thirty-seventh, Forty-fifth, and Ninety-fourth Judicial Districts, and providing that the said grand juries shall return all bills of indictment to the court in which said grand jury was empaneled; and providing that said Thirty-seventh, Forty-fifth, and Ninety-fourth Judicial District courts shall give preference to the trial of criminal cases; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted.

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair, Lieutenant Governor, T. W. Davidson, had referred, after their captions had been read, the following House bills:

H. B. No. 170, referred to Committee on Educational Affairs.

H. B. No. 1, referred to Committee on Finance.

H. B. No. 136, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 309, referred to Committee on Judicial Districts.

H. C. R. No. 11, referred to Committee on Penitentiaries.

#### Bills Signed.

The Chair, Lieutenant-Governor Davidson gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 89.

H. B. No. 105.

H. B. No. 123.

H. C. R. No. 8.

H. C. R. No. 12.

H. B. No. 240.

H. B. No. 186.

S. B. No. 52.

#### H. B. No. 251 Returned to House.

On motion of Senator Bledsoe, the request of the House asking for the return of H. B. No. 251 for correction was granted.



**Adjournment.**

On motion of Senator Clark, the Senate at 4:55 p. m. adjourned until 10 o'clock a. m. tomorrow.

**APPENDIX.****Petitions and Memorials.**

Senator Parr sent up and had read the following telegram, which upon his motion was ordered printed in full in the Journal:

Laredo, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, Lieutenant Governor of Texas, Austin, Texas.

The farmers in South Texas are very much interested in the passage of House Bill No. Thirteen. We hope you will lend your assistance to the enactment of this law. We request you have this telegram printed in the Journal for record.

Roy Campbell and Co. Chairman Farmers' Committee.

Senator Wirtz offered and had read a petition, numerous signed, protesting against the proposed State Income Tax measure.

**Committee Reports.**

Senate Chamber,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 130 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 266, A bill to be entitled "An Act to amend Article 3093, Revised Civil Statutes, as amended by Chapter 60, General Laws, Fourth Called Session, Thirty-fifth Legislature, amending our Primary election laws, and declaring an emergency."

Have had same under consideration, and beg to report that after due consideration, we recommend that the bill do not pass.

DAVIS, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 184, A bill to be entitled "An Act to amend Article 904 of Chapter 5 of the Revised Statutes of Texas by prescribing and defining the jurisdiction of corporation courts in cities, towns and villages having a population of less than one hundred and fifty thousand inhabitants, and by adding Article 904a, prescribing and defining the jurisdiction of corporation courts in cities having populations of one hundred and fifty thousand inhabitants or more, and by amending Article 921, prescribing and defining the rights and manner of appealing from judgments of convictions entered in corporation courts in cities, towns and villages having populations of less than one hundred and fifty thousand inhabitants, and by adding Article 921a, providing for appeals to the court of criminal appeals of this State from judgments of conviction entered in such courts, and providing that there shall be no appeals from such courts when the punishment assessed is by fine of twenty-five dollars or less, and conforming all laws to the provisions of this Act; and providing for an emergency."

Said bill having been recommitted to us, beg to report as follows:

**I.**

That all after the enacting clause be stricken out and the following substituted in lieu thereof:

"That Article 904 of the Revised Statutes of the State of Texas be amended so that the same shall hereafter read as follows:

Article 904. The corporation courts in all cities, towns and villages in this State having a population of less than one hundred thousand inhabitants according to the last United States census shall have jurisdiction within the territorial limits of said city, town or village, within which it is established, in all criminal cases arising under the ordinances of the city, town or village, now in force, or hereafter to be passed, and shall also have jurisdiction concurrently with any justice of

the peace in any precinct in which said city, or town or village is situated, in all criminal cases arising under the criminal laws of this State, in which the punishment is by fine only, and where the maximum of such fine may not exceed two hundred dollars, and arising within the territorial limits of such city, town or village.

Article 904a. That in all cities having a population of one hundred thousand or more, according to the last United States census, the corporation court shall have concurrent jurisdiction with the county court or other similar courts of like jurisdiction in all criminal cases arising under the ordinances of the said city as well as the criminal laws of the State, within the territorial limits of any such city, and over such additional territory as may have been granted to such city and by virtue of its charter, which shall also extend to and include any and all public grounds and property that may be owned or controlled, or that may hereafter be acquired by such city without the corporate limits of said city, and in the county, that the said court shall further have jurisdiction in all criminal cases arising under the ordinances of the city now in force or hereafter passed and under the criminal laws of the State, concurrent with the justice of the peace court in any precinct in which said city is situated. That said court shall have no terms and shall at all times be open for the transaction of business under such regulations as may be prescribed by the governing authorities of such city.

Article 904b. All rules of pleading, practice and procedure followed in the county court or similar court shall apply in said corporation court in each city having a population of one hundred thousand inhabitants and over according to the last United States census insofar as the same are applicable: provided, that all prosecutions shall be commenced upon affidavit duly sworn to and filed; and provided, further, that all motions for new trials shall be filed within two days from the date of conviction in said corporation court, and such motion shall be finally heard and passed upon by the judge within ten days thereafter, and in case any motion is not acted upon by the judge within said time, said motion shall be con-

sidered overruled. It shall not be necessary for the prosecution to file an information, nor shall it be necessary for the judge of said court to charge the jury in any case wherein the punishment shall be by fine only, and where such fine may not exceed in amount the sum of two hundred dollars, unless requested in writing by either the State or the defendant. Affidavits before such court may be sworn to before the judge, clerk of said court, deputy clerk, city secretary, city attorney or any attorney representing the State in said court as herein provided for, or any other officer authorized to administer oaths, and for the taking of such complaints, each and all of said officers are hereby empowered and authorized to administer such oaths. That the city attorney of such city, or other counsel designated by him with the approval of the governing body thereof, shall conduct all prosecutions before said court; but the county attorney of the county in which such city is situated, may, if he so desires, represent the State of Texas in all prosecutions in said court; but in such cases the county attorney shall not be entitled to receive any fees or other compensation whatever for said services, and in no case shall he have the power to dismiss any prosecution pending in said court; unless for reasons filed and approved by the judge thereof.

Article 904c. The judge of the corporation court in cities having a population of one hundred thousand and over according to the last United States census shall have the power to punish for contempt to the same extent and under the same circumstances as is conferred upon the county judge. He shall have the power to take and forfeit bail bonds under such rules and regulations as now govern the taking and forfeiture of the same in the county court or similar courts; provided, however, that in the forfeiture of any recognizance or bail bond, all persons not entering into same shall be cited to appear before said court not later than fifteen days from the date of the entering of the order of forfeiture, then and there to show cause why final judgment should not be made in the manner as provided by law for the forfeiture of bail bonds or recognizances for the county court. That all process issuing out of said court shall be served by the chief of police, city marshal, or any policeman of the city

within which it is situated, and the same rules and regulations as are now provided by law for service by sheriffs, and constables of process issuing out of the county court shall apply insofar as the same are applicable. Writs issuing out of the said court may be executed by the proper city officers anywhere within the county in which said city is situated or by other officers as provided by law.

Article 921 of the Revised Civil Statutes of Texas shall be amended so the same shall hereafter read as follows:

Article 921. Appeals shall be allowed from all judgments of conviction entered by corporation courts in cities, towns and villages having a population of one hundred thousand inhabitants or less, according to the last United States census. Such appeals shall be heard by the county courts in the counties or by such courts as may be designated by law for hearing appeals in criminal cases from justice courts, except in cases where the county courts have no jurisdiction over criminal cases, in which counties such appeals shall be heard by the district courts of such counties, unless in such there is a criminal district court, in which case the appeal shall be from the corporation courts to the said criminal district court; and, in all such appeals to such county court, district court, or criminal district court, the trial shall be de novo, the same as if the prosecution had been originally commenced in that court. Said appeals shall be governed by the rules of practice and procedure for appeals from justices' courts to the county court, as far as the same may be applicable.

Article 921a. Appeals from judgments rendered by such corporation court in each city having a population of one hundred thousand and over, shall be heard in the court of criminal appeals and shall be governed, insofar as applicable, by the rules of practice and procedure for appeals from the county court or similar courts of like jurisdiction; provided, that any defendant desiring to appeal from the judgment of said corporation court to the court of criminal appeals shall perfect his appeal within twenty days from the time herein fixed for the final acting upon the motion for a new trial in such courts; provided, however, that the judge of the corporation court may, if in his judgment he deems the

same advisable, make an order extending the time for an additional period of twenty days for the filing of bills of exceptions and statements of facts, when requested in writing by the State or defendant, provided, that no appeal shall be allowed or lie to the court of criminal appeals from any judgment of the said corporation court where the punishment assessed is a fine only and the said fine does not exceed the amount of \$25.00 exclusive of court costs. That in all other cases appeals shall lie and be allowed to the said court of criminal appeals and it shall be the duty of the said court of criminal appeals of the State to receive and determine the said appeals in the same manner as far as practicable that appeals are received and determined from the county courts or similar courts of like jurisdiction. That the manner of preparing and making up the transcript of record and of filing statements of facts, bills of exceptions and other matters affecting the proceedings before the said corporation court shall be controlled in all respects as far as practicable by the laws providing for such proceedings or appeals from the county courts or similar courts of like jurisdiction insofar as such laws are applicable.

Article 921b. That the provisions in Chapter V, Title 22 of the Revised Statutes providing for the right of trial by jury, the character of seal to be used as well as all other provisions so far as the same may be applicable to the corporation court in cities having a population of more than one hundred thousand as shown by the last United States census, as well as the provisions of the Code of Criminal Procedure regulating the amount and collection of jury and witness fees and providing for the enforcing of the attendance of witnesses; that all other laws relating to criminal procedure in the county courts shall be deemed cumulative of the provisions hereof and shall apply as far as applicable. That any city having a population of more than one hundred thousand as shown by the last United States census may adopt the provisions of this Act by a resolution duly passed by the governing authorities and provide therein that the judge and other officers of the corporation court may continue to act as such officers and exercise the powers of the corporation court herein provided

for for cities having more than one hundred thousand inhabitants. That all such officers shall continue in office in accordance with the terms of their appointment and shall be appointed or elected as provided by the charter and ordinances of any such city. That until the adoption of the said resolution any such city shall continue under the powers conferred on the corporation courts of cities having a population of less than one hundred thousand.

Article 921c. The fact that there is an urgent need for the enlargement of the jurisdiction of the corporation courts in cities in this State having a population over one hundred thousand inhabitants and for the direct appeal to the Court of Criminal Appeals from judgments of conviction in said courts creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended and this Act shall take effect from and after its passage and it is so enacted.

## II.

That all before the enacting clause be stricken out and the following inserted in lieu thereof as caption to said bill:

"An Act to amend Article 904 of Chapter V, of the Revised Statutes of Texas by prescribing and defining the jurisdiction of corporation courts of cities, towns and villages having a population of less than one hundred thousand inhabitants, and by adding Articles 904a, 904b and 904c, defining and enlarging the jurisdiction of corporation courts of cities having a population of more than one hundred thousand inhabitants, and prescribing the power of the court to punish for contempt, the taking and forfeiture of recognizance and bail bonds and issuance of process out of said court, and amending Article 921, prescribing and defining the manner of appealing from the judgment of convictions entered in the corporation courts of cities, towns and villages having a population of less than one hundred thousand, and by adding Articles 921a, 921b, and 921c, providing for appeals and the method of appeals to the Court of Criminal Appeals of this State from judgments in the said courts, and providing that

there shall be no appeal from such courts where the fine does not exceed the sum of twenty-five (\$25.00) dollars exclusive of court costs, providing for the method of filing statements of facts, bills of exceptions, and providing for conforming all laws as far as applicable to the provisions of this Act, and providing for an emergency."

## III.

As amended and substituted, we recommend that the bill do pass.

RIDGEWAY, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 196, A bill to be entitled "An Act to reorganize the Forty-sixth and Forty-seventh Judicial Districts and to create the Ninety-fourth Judicial District of the State of Texas, and for the appointment of the district judge and district attorney for said Ninety-fourth Judicial District, providing for the holding of district courts and the terms thereof in the Forty-sixth, Forty-seventh and Ninety-fourth Judicial Districts, respectively, and providing that all process and writs heretofore issued, and all recognizances and bonds heretofore made and executed and returnable to existing terms of district court in the counties composing said districts, together with jurors heretofore selected, are valid and returnable to the first term of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms, repealing all conflicting laws and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 64, A bill to be entitled "An Act to regulate the organization of the County Courts of Dallas Coun-

ty, at Law, and Judges thereof, and to secure uniformity therein, by prescribing that the County Court of Dallas County at Law, shall be called the County Court of Dallas County at Law, No. 1 by fixing an equal number of terms of said courts and prescribing that they commence on alternative months to authorize the judges thereof to hold court for or with one another; to prescribe the uniform qualifications for the judges, prescribe what fees they shall collect, and how they shall be paid into the county treasury, to require the oath of office and remove the requirement of official bonds for judges; to continue the term of the County Court of Dallas County at Law No. 2 to conform to this Act, to validate process thereof, and of the County Court of Dallas County at Law, in conformity with this Act; to repeal laws in conflict therewith; and to declare an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 171, A bill to be entitled "An Act to restore and confer upon the County Court of Sutton County the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 63, A bill to be entitled

"An Act to establish and create a court to be known as the 'Corporation Court in Port Arthur, Texas,' and to prescribe its organization, jurisdiction and procedure, and to conform the jurisdiction and procedure of other courts thereto, repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room;

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 274, A bill to be entitled "An Act to amend Chapter 16 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its First Called Session, changing the time of holding courts in the Thirty-third Judicial District of Texas by providing that said court shall hold three terms of two weeks each in Gillespie County, and by providing that the two terms of said court to be held in Burnet County may continue in session for three weeks each, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room.

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 241, A bill to be entitled "An Act to change and prescribe the time for holding district courts in the Thirty-first Judicial District of this State; to conform all writs and process from such courts to such changes, and to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, Feb. 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Banking and Insurance, have had under consideration S. B. No. 56, and beg to report as follows:

### I.

That all of said bill after the enacting clause be stricken out and the following be substituted in lieu thereof:

Section 1. That it shall be unlawful for any owner of property, or owner of any interest in property, in the State of Texas, to knowingly and intentionally take out insurance on such property, or interest therein, in excess of the reasonable value of said property as owned by the assured, or in excess of the interest of the assured in such property, if a lesser ownership than full ownership is had. No persons owning property in the State of Texas shall under any policy or policies of insurance collect or receive under such policy or policies of insurance any greater sum, as loss or damage by fire, than the actual loss or damage by fire sustained to such property so insured.

Sec. 2. If any owner of property or owner of any interest in property, situated in the State of Texas, shall take out or procure insurance on such property or on the interest of the assured in such property, in excess of the reasonable value of the same, knowing that such insurance is in excess of the value of the interest of the insured in such property, and such assured shall thereafter, during the existence of any policy or policies constituting excessive insurance, sustain a loss by fire to such property, which fire originated upon the premises of said assured, described in such policy, said assured shall not be permitted to collect under such policy or policies for such loss by fire any sum in excess of three-fourths ( $\frac{3}{4}$ ) of the loss sustained.

Sec. 3. Nothing herein shall prevent or in anywise impair the right of either husband or wife to procure insurance upon any community prop-

erty belonging to the community estate, provided, that such insurance procured by either or both shall not exceed the reasonable value of such community property so insured.

Sec. 4. That Article 4874 of the Revised Civil Statutes and all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Sec. 5. The fact that there is now no law on the statute books which sufficiently conserves human life and taxable property of the State from loss by fire, and that much loss of life has arisen, and great value in property destroyed through fires, part of which loss is believed to have arisen from over-insurance, and because, further, a number of bills on the calendar and likely to be placed there during the present session of the Legislature may clog and delay and interfere with the passage of bills, and in view of the great importance of protecting human life and property values of the State, creates an emergency and an imperative public necessity demanding and authorizing a suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended as to this Act, and, it is further enacted that this bill when passed shall take effect and be in force from and after its passage, and it is so enacted.

### II.

That all before the enacting clause be stricken out and the following as a caption be inserted in lieu of the original caption:

"An Act to discourage, and, so far as may be, prevent fire waste in the State, and to prevent loss of life through fires, and to forbid over-insurance of property or interest therein against loss by fire. To provide that no owner of property or interest therein shall knowingly take out or procure insurance against loss by fire on the same in excess of the reasonable value of the interest of the insured in the property. To provide that no owner of any interest in property shall collect, under any policy or policies, loss in excess of the actual loss sustained. To provide a limitation in the collection of insurance when the property is intentionally over-insured and the fire originates on the premises. To repeal Article 4874, Revised Civil Statutes, and to

repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

As amended and substituted, we recommend that the bill do not pass.

HOLBROOK, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, February 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Insurance and Banking, have had under consideration the above Senate Bill No. 56, and beg to report that we recommend that the bill as amended and substituted do pass.

WATT.  
FLOYD.  
DAVIS.

(Majority Report.)

Committee Room,  
Austin, Texas, Feb. 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Banking and Insurance, to whom was referred

S. B. No. 147, A bill to be entitled "An Act to amend Article 4874 of the Revised Statutes of 1911, as amended by Acts of 1913, Chapter 105, page 194, relating to fire insurance companies, by adding thereto Article 4874C, providing that losses shall be paid within thirty days after demand therefor, and providing that such company shall be liable to pay the holder of such policy, in addition to the amount of the loss, twelve per cent damages on the amount of such loss together with reasonable attorney's fees, for prosecution and collection of such loss, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

HOLBROOK, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Feb. 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Insurance and Banking, to whom was referred

C. S. S. B. No. 147, have had the

same under consideration, and beg leave to report same back to the Senate with the recommendation that the committee substitute do pass in lieu of S. B. No. 147.

BOWERS,  
McMILLIN,  
WOOD.

(Majority Report.)

Committee Room,  
Austin, Texas, Feb. 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Insurance and Banking, to whom was referred

Senate Substitute Bill No. 147, A bill to be entitled

"An Act, relating to losses under policies of insurance in fire, marine, fire and marine, mutual fire, lightning, hail and storm insurance companies, fidelity, guaranty and surety companies and casualty insurance companies doing business in the State of Texas whether incorporated under the laws of the State of Texas or some foreign country, and providing that in all cases where a loss occurs and any of the above named insurance companies liable therefor shall fail to pay the same within 30 days after demand therefor, such company shall be liable to pay the holder of such policy or contract of indemnity in addition to the amount of the loss, twelve per cent damages on the amount of such loss, together with reasonable attorneys' fees for the prosecution and collection of such loss, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands, to whom was referred

S. B. No. 200, A bill to be entitled "An Act to repeal Senate Bill No. 111, Chapter 137, printed laws of the Regular Session of the Thirty-seventh Legislature, appropriating \$1,350,000 for the purchase of additional lands adjacent to the present

campus of the University of Texas for the use of the University of Texas, and providing for the termination of all contracts for the purchase of said land, or any part thereof, where the purchase money has not been paid; and declaring an emergency."

Have had same under consideration, and I am instructed to report the said bill back to the Senate with the recommendation that it do pass.

THOMAS, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 270, A bill to be entitled "An Act to amend Subdivisions 11, 55, 61 and 80 of Article 30 of Title 5 of the Revised Civil Statutes of the State of Texas, which subdivision relates to the District Courts of the Eleventh, Fifty-fifth, Sixty-first and Eightieth Judicial Districts of Texas, and fixing the terms and prescribing the jurisdiction and procedure of said courts and allowing the compensation of the clerk of the Eightieth Judicial District Court in Harris county."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 269, A bill to be entitled "An Act to amend Title 37 of the Revised Civil Statutes of the State of Texas entitled 'Courts—District and County—Practice in,' by adding thereto Chapter 12a relating to procedure in civil district courts in counties having two or more district courts with civil jurisdiction only and whose terms continue three months or longer."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 261, A bill to be entitled "An Act to amend Chapter 6, Title 32, of the Revised Statutes of Texas, 1911, by adding thereto Article 1609a, providing that when there is a defect in substance, form or parties in any petition for a writ of error pending before any of the Appellate Courts of this State, the writ of error shall not be dismissed because of such defects until after the plaintiff in error is given an opportunity to cure the same, and the Appellate Court shall grant the plaintiff in error not less than thirty days additional time after notice of such defects, in which to correct the same by amendment or as the court may direct, and making the amendment apply to all writs of error pending before any of the Appellate Courts at the time of the passage of this Act, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 273, A bill to be entitled "An Act to amend Articles 3635, 3636, 3637 and 3639, Chapter 32, Title 52, of the Revised Civil Statutes of Texas, in reference to appeals from county courts to district courts in estate matters."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 240, A bill to be entitled "An Act to amend Title Eleven, Chapter Six-a (6a) Article 588 1-2 pp of the



Penal Code of the State of Texas so as to provide for the violation of said Chapter, same being the Statewide Intoxicating Liquor Prohibition Law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 227, A bill to be entitled "An Act to amend Section 16 of Chapter 190 of the General Laws of the Thirty-fifth Legislature, as amended by Section 2 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Section 1, Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 131 of the General Laws of the Regular Session of the Thirty-seventh Legislature, providing for and increasing the annual license fees on motor vehicles; providing for applications for registration; providing for annual license fees for trailers and semi-trailers and tractors; providing penalties for failure to comply with provisions of this Act; providing certain described vehicles shall not be licensed or operated on public roads; providing for exceptions and special permits; amending Section 3 of Chapter 73 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Section 4, Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature, relating to disposition of fees collected hereunder; providing for maintenance by the State and declaring increased fees, primarily a trust fund for such maintenance; providing that in event any section or provision of this Act shall be held unconstitutional the same shall not affect any other section or provision; and repealing all laws in conflict with this Act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be

referred to the Committee on Roads, Bridges and Ferries of the Senate.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 279, A bill to be entitled "An Act repealing Chapter 96 of the special law passed at the Third Called Session of the Thirty-sixth Legislature of the State of Texas, and now re-creating the Sharp Independent School District in Milam County, Texas, and placing said district under the general laws governing the school districts incorporated for school purposes only under the General Laws of Texas; providing for a board of trustees; providing that this Act shall not invalidate local school taxes heretofore voted by the previous existing Common School District No. 76 of Milam County, nor of the previous Sharp Independent School District, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 209, A bill to be entitled "An Act directing and authorizing the board of directors of the Agricultural and Mechanical College of Texas to locate, establish and develop a pecan experiment station in the pecan growing area of Texas, authorizing the said board to accept donations of land, money or other property to be used in the establishment, development and management of said station, to co-operate with the Federal Government and other agencies where advantageous, making appropriations therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do not pass but that Senate Committee Substitute Bill No. 209, and accompanying this report, do pass in lieu thereof.

COUSINS, Chairman.

C. S. S. B. No. 209

A BILL

To Be Entitled

An Act directing and authorizing the board of directors of the Agricultural and Mechanical College of Texas to locate, establish and develop an experiment station for the study of the pecan and other nuts in the pecan growing area of Texas, authorizing the said board to accept donations of land, money or other property to be used in the establishment, development and management of said station, to co-operate with the Federal Government and other agencies where advantageous, making appropriations therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the board of directors of the Agricultural and Mechanical College of Texas is hereby directed and authorized, in accordance with the provisions of Section 2, Chapter 162, of the General Laws of Texas, passed by the Thirty-third Legislature of the State of Texas, at its Regular Session, to locate, establish, develop, maintain and operate an experiment station within the pecan growing area of the State of Texas, for the purpose of studying the several impending problems pertaining to the culture of pecans and other nuts of economic value in Texas.

Section 2. In the location of said pecan experiment station, the said board of directors of the Agricultural and Mechanical College of Texas is hereby authorized to accept any donation of land, money or other property for the development, operation and management of the said pecan experiment station as the said board may deem advisable, and the said board of directors is hereby authorized to accept any co-operation with the Federal Government and other agencies that may be deemed advantageous to both co-operating agencies, in conducting researches, experiments and investi-

gations pertaining to the pecan industry at this station or other stations or groves.

Section 3. There is hereby appropriated out of the general revenue of the State of Texas not otherwise appropriated, the sum of Fifteen Thousand (\$15,000.00) dollars for the year 1923-1924, or so much thereof as may be necessary, to be used in the location, establishment, maintenance and operation of the said pecan experiment station, such appropriation to extend and remain available for two years from the end of the State's fiscal year of 1922-23, and the sum of \$8,000.00 for the year 1924-25.

Section 4. The fact that the pecan industry is one of Texas' greatest agricultural enterprises, and the further fact that no provision has heretofore been made for the systematic and scientific study of the problems which confront pecan growers of this State, threaten the prosperity of the industry and endanger its very existence, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house of the Legislature be suspended, and the same is hereby suspended, and this Act is hereby placed upon its third reading and final passage and shall take effect immediately after and from its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act appropriating three million dollars (\$3,000,000.00) out of the State treasury to aid and promote all the public schools of this State for the scholastic year beginning September 1, 1922, and ending August 31, 1923; providing for the distribution of same for certain purposes as available funds are now distributed; providing a penalty for violation of provision of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being the

same as S. B. No. 3, that it be not printed.

WOOD, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 29, A bill to be entitled "An Act authorizing the Gulf, Colorado and Santa Fe Railway to purchase, own and operate the railroad and other property—now or hereafter owned by Galvestern and Western Railway Company in the city of Galveston, etc."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 198, A bill to be entitled "An Act authorizing any street or suburban railway company, or interurban railway company, to lease or acquire and own, maintain and operate automobiles, automobile buses and automobile bus lines for the transportation of passengers or property, or both, etc., and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We your Committee on Agricultural Affairs, to whom was referred

H. B. No. 4, A bill to be entitled "An Act to establish and maintain a Horticultural and Agricultural Experiment Station in the Citrus Belt of Cameron or Hidalgo County, Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said board to establish and

maintain the same, to accept donations of lands, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station and for the operation of the same, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back with the recommendation that it do pass and be not printed.

COUSINS, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 156, A bill to be entitled "An Act requiring landlords of Texas to thoroughly fumigate and clean tenant houses, and clean the premises after being vacated by a tenant and before being occupied by another tenant; providing a penalty for the infractions thereof, and carrying an emergency."

Have had same under consideration, and I am instructed to report it back with the recommendation that it do pass.

CLARK, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 103, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene; accepting the provisions of an Act of the United States Congress approved November 23, 1921, entitled 'An Act for the promotion of the welfare and hygiene of maternity and for other purposes,' commonly known as the Sheppard-Towner Act; providing that the work shall be carried on through the State Board of Health through its Bureau of Child Hygiene."

Have had same under consideration, and I am instructed to report it back with the recommendation that it do pass, and be not printed.

CLARK, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 286, A bill to be entitled "An Act creating a Bureau of Plumbing, providing for supervision and enforcement of certain articles as amended; providing for appointment of State Plumbing Inspector, fixing salary and locating office, defining duties, and experience, prescribing bond, amount and method of filing, providing record of inspections and investigations shall be kept and annual report made; fixing power of State Health Officer to amend rules and regulations, to revoke license for violations, providing that notice be given within certain time and opportunity afforded to produce testimony, providing for appointment of persons for certain purposes; providing that State Health Officer have certain powers, appeal from his decision may be had, after certain period may apply for new license; providing who shall be custodian for papers, that he shall keep on file in his office certain information, and prepare questions and charts for examinations and furnish to local boards of examiners, subject to approval of State Health Officer, providing that certificates be signed and countersigned by whom, license to be recognized by whom and where for certain period, to be renewed when, not transferable, providing penalty for use of license by any other than the one to whom issued, license may be granted without examination to whom and by whom upon payment of fee, to be posted where and exhibited when and to whom, providing for collection of fees, said fees to be transmitted to State Board of Health, and paid by it into the general fund of State treasury; providing that all such monies are appropriated and set aside for what purposes, providing that if any section of the Act be held unconstitutional, it shall not affect any other part or parts of the Act; providing penalty for failure to remit monies collected, repealing all Acts or parts of Acts in conflict herewith, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back with the recommendation that it do pass.

CLARK, Chairman.

Committee Room,  
Austin, Texas, Feb. 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 170, A bill to be entitled "An Act to provide for certain sanitary requirements of bottling plants and soft drink stands; to prohibit the use of saccharin in carbonated or still beverages and to provide for a penalty, and providing for an emergency."

Have had same under consideration, and I am instructed to report it back with the recommendation that it do pass.

CLARK, Chairman.

### TWENTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Friday, February 9, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Dudley.	Witt.
Rogers.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Strong.

See Appendix for Petitions and Committee Reports.

Excused.

Senator Witt for today, on account of important business, on motion of Senator Doyle.